

# Exhibit 3

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Case No. \_\_\_\_\_

LIFEBSITE LABORATORIES, LLC; and  
CHRISTIAN FLETCHER,

Plaintiffs,

v.

BLUE CROSS AND BLUE SHIELD OF  
FLORIDA, INC. d/b/a BCBSGA;  
BLUE CROSS BLUE SHIELD HEALTHCARE  
PLAN OF GEORGIA, INC.; THE ELEVANCE  
HEALTH COMPANIES, INC. f/k/a ANTHEM  
INSURANCE COMPANIES, INC.;  
UNITEDHEALTH GROUP INCORPORATED,  
and CVS HEALTH CORPORATION d/b/a  
AETNA,

Removed from the State Court  
of Gwinnett County

Case No. 23-C-05058-S7

Defendants.

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**DECLARATION OF BRENDAN G. STUHAN**

I, Brendan G. Stuhan, declare as follows:

1. I am 18 years of age or older.
2. I make this declaration based on my personal knowledge and, if called as a witness, I could and would testify competently to the matters set forth below.

3. I am employed by as Assistant General Counsel – Litigation at the Blue Cross and Blue Shield Association (“BCBSA”) in Washington, D.C. In that role, I am involved and familiar with the Blue Cross and Blue Shield Service Benefit Plan, which is one of the federal government’s health benefits plans for federal employees, annuitants, and their dependents and which is governed by the Federal Employees Health Benefits Act, 5 U.S.C. §§ 8901-8914

(“FEHBA”). “Federal Employee Program” (or “FEP”) is a nickname for the Blue Cross and Blue Shield Service Benefit Plan.

4. The Service Benefit Plan is formed by a federal government contract – Contract No. CS 1039 – between the United States Office of Personnel Management (“OPM”) and the BCBSA. BCBSA is the carrier of the Service Benefit Plan. BCBSA enters into that contract on behalf of and as agent for participating local Blue Cross and Blue Shield companies. BlueCross BlueShield Healthcare Plan of Georgia, Inc. (“BCBSGA”) and Blue Cross and Blue Shield of Florida, Inc. d/b/a Florida Blue (“Florida Blue”) are such companies and administer the Service Benefit Plan with respect to claims for services rendered in Georgia and Florida respectively.

5. OPM and BCBSA (on behalf of and as agent for participating local Blue Cross and Blue Shield companies such as BCBSGA and Florida Blue) have entered into Contract No. CS 1039 annually for decades. Periodically, the entire contract is restated in what I will refer to as the “OPM-BCBSA Contract.” The most recent OPM-BCBSA Contract is the 2022 version, and the 2013 version is the most recent version before that. With minor redactions in Appendix B thereto, true and correct copies of the 2013 OPM-BCBSA Contract and the 2022 OPM-BCBSA Contract are attached hereto as Exhibit A and Exhibit B, respectively.

6. In other years, OPM and BCBSA (on behalf of and as agent for participating local Blue Cross and Blue Shield companies such as BCBSGA and Florida Blue) have entered into annual amendments to the most recent version of the OPM-BCBSA Contract. With minor redactions in Appendix B thereto, true and correct copies of the 2014 through 2021 annual amendments to the 2013 OPM-BCBSA Contract are attached hereto as Exhibit C through Exhibit J, respectively. With minor redactions in Appendix B thereto, a true and correct copy of the 2023 annual amendment to the 2022 OPM-BCBSA Contract is attached hereto as Exhibit K.

7. Each year, the Service Benefit Plan's Statement of Benefits is incorporated into the applicable OPM-BCBSA Contract or annual contract amendment. True and correct copies of the 2013 through 2023 Statement of Benefits for the Service Benefit Plan are attached hereto as Exhibit L through Exhibit V, respectively. They are also available for download on OPM's official government website. For example, the 2016 version can be downloaded at: <http://www.opm.gov/healthcare-insurance/healthcare/plan-information/plan-codes/2016/brochures/71-005.pdf> (last visited Aug. 10, 2023). Other versions can be downloaded by changing the year in that web address.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed this 22nd day of August 2023.



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Brendan G. Stuhan